

# **EXHIBIT 6**

**Direct Testimony of  
Michael Shamos, Ph.D., J.D.  
on  
Invalidity**

# '516 Claim 1

1. An electronic sourcing system comprising:

Court's construction of "electronic sourcing system":

**electronic system for use by a prospective buyer to locate and find items to purchase from sources, suppliers or vendors**

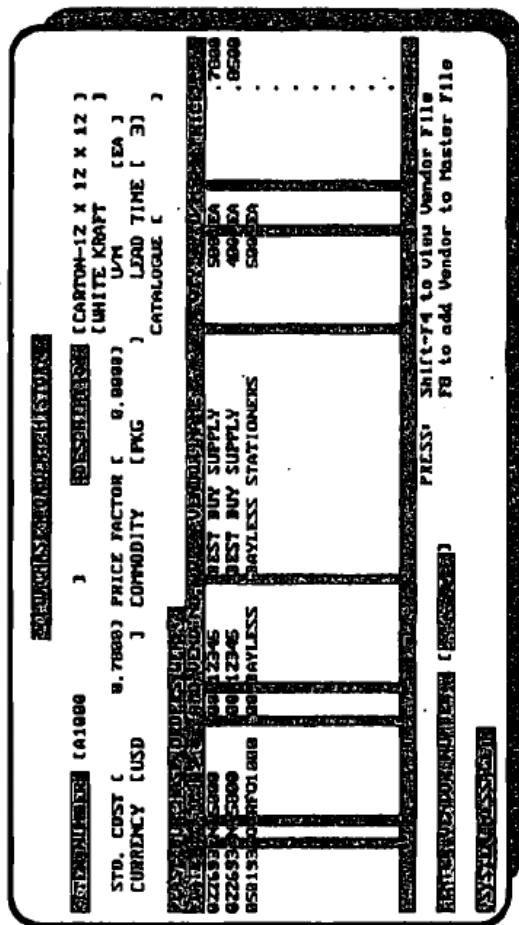
**J-CON:** "PartFinder is J-CON's electronic parts catalog. Use it with Point-of-Sale (POS) to look up the parts a customer wants and put them on the ticket." L0123601 (DX-96)

**P.O. WRITER:** P.O. Writer is an electronic system for use by a prospective buyer to locate and find items from sources, suppliers, or vendors.

’516 Claim 1

[a] a collection of catalogs of items stored in an electronic format;

If Lawson has a collection of catalogs stored in electronic format, so does P.O. Writer



You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select.

Since you haven't received a response from Bayless yet, order from Best Buy:

- In the Vendor Number field, type 12345 [ENTER]

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# '516 Claim 1

[b] a first set of pre-determined criteria associated with said collection of catalogs;

## **J-CON had predetermined criteria for selecting:**

### **Search by Manufacturer**

You might want to search for InterChange parts by manufacturer instead of by group. When you search by manufacturer, you can select one or more manufacturers to search.

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To search by manufacturer, press <Mfgs> or <Enter> to leave the GROUP field blank and go to the MFGS TO SEARCH field. Then enter the codes of the manufacturers whose InterChange catalogs you want to search.

## **P.O. Writer also had predetermined criteria for selecting**

# '516 Claim 1, continued

[c] a second set of pre-determined criteria associated with items from each of said catalogs;

## Part Index

The Part Index is an alphabetized list of parts that gives each part's group and subgroup. There are two ways to find a part in the Part Index:

- Press <Index> at the GROUP, SUBGROUP, or SELECTION field.  
At SEARCH FOR, enter part or all of the part name. The more letters you enter, the more accurate the search will be.
- At the GROUP, SUBGROUP, or SELECTION field, type the first 1-4 letters of the part name and press <Index>.

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(DX-96)

## J-CON:

**P.O. WRITER:** You can display the catalogue by Catalogue ID:

OR

- Item Number sequence
- Item Description sequence
- Commodity Code sequence

You may select ALL, or STARTING WITH for any of these 3 choices.

## '516 Claim 1, continued

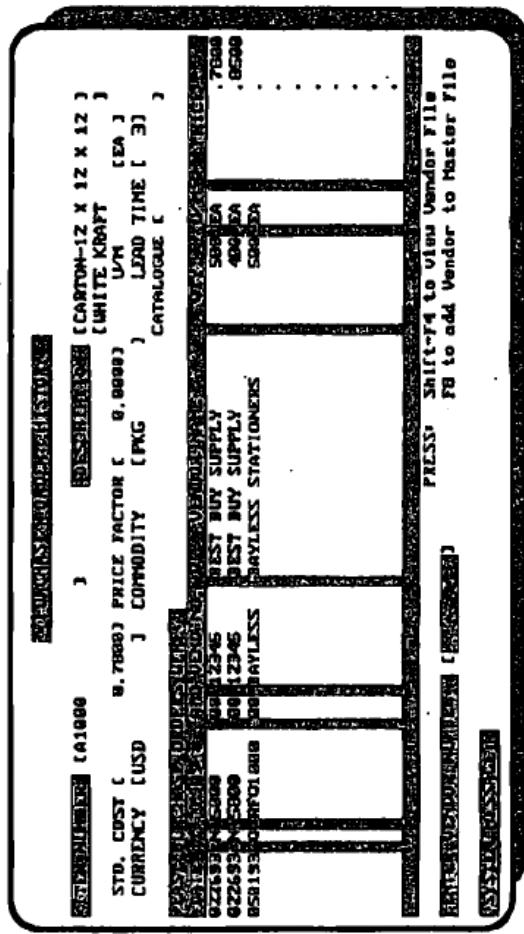
[d] a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and

**In P.O. Writer, the database could be searched by vendor number, indicating a portion to be searched separately.**

**In J-CON, the “catalog selection protocol” is entering manufacturer codes**

# 516 Claim 1, continued

[d] ...including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party that is one of a manufacturer and a competing vendor, said predetermined third party selling items corresponding to items in said vendor catalog;



**P.O.  
WRITER**

You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select.

**J-CON also met this element**

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# '516 Claim 1, continued

[e] a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol.

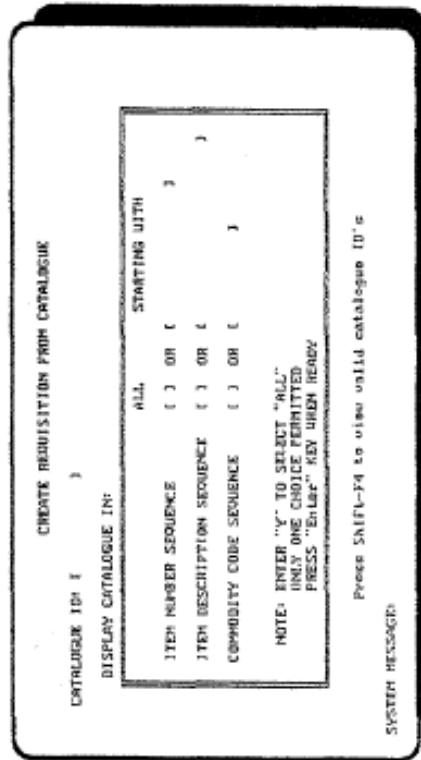
**J-CON: InterChange performed searching for specific items, for example**

## P.O. WRITER:

You can display the catalogue by Catalogue ID  
OR

- Item Number sequence
- Item Description sequence
- Commodity Code sequence

You may select ALL or STARTING WITH for any of these 3 choices.



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**Therefore, '516 claim 1 was obvious in view of J-CON + P.O. WRITER**

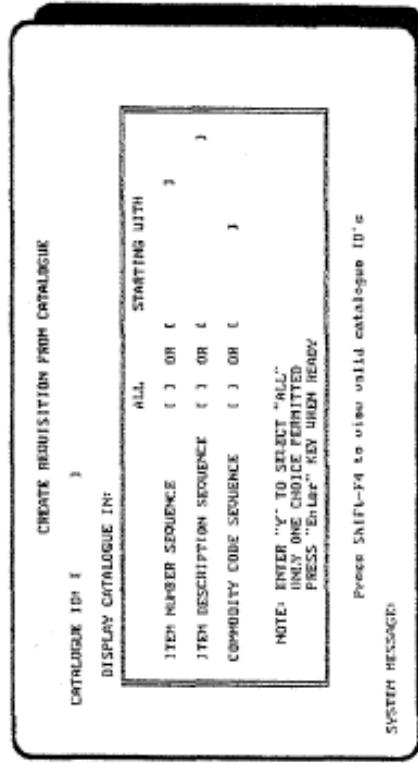
# '516 Claim 9

9. An electronic sourcing system comprising:

- [a] a collection of catalogs of items stored in an electronic format;
- [b] a first identification code associated with a first item in a first catalog;

Field	Description
<b>J-CON:</b>	The part's manufacturer code.
<b>PART NUMBER</b>	The part number.

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## P.O. WRITER:

You can display the catalogue by Catalogue ID

Or

– Item Number sequence

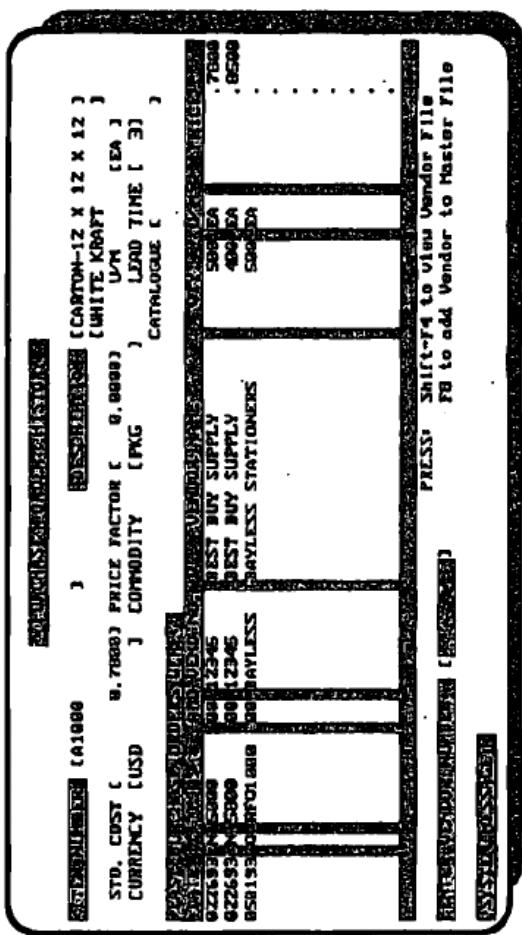
– Item Description sequence

– Commodity Code sequence

You may select ALL or STARTING WITH for any of these 3 choices.

# '516 Claim 9, continued

[c] a second identification code associated with a second item in a second catalog, said first item and said second item being generally equivalent, and wherein a selection of one identification code from one of said first and second catalogs provides the other identification code from the other of said catalogs.



## P.O. WRITER

You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select.

# '516 Claim 9, continued

[c] a second identification code associated with a second item in a second catalog, said first item and said second item being generally equivalent, and wherein a selection of one identification code from one of said first and second catalogs provides the other identification code from the other of said catalogs.

**J-CON:** 4 InterChange

InterChange is an optional product that you use to find an equivalent (or InterChange) part for a competitive part. You start InterChange from PQS or from PartFinder.

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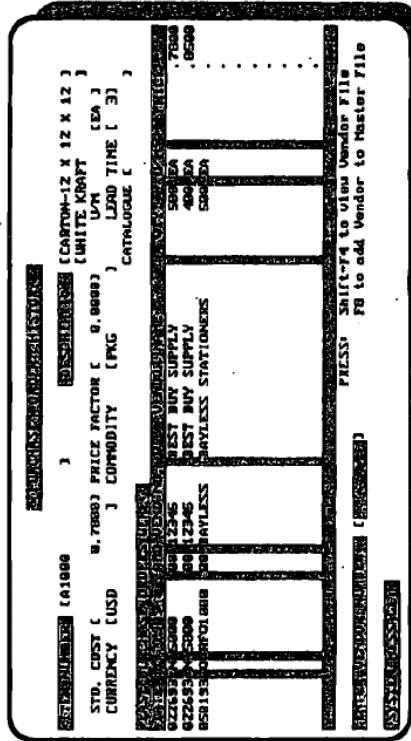
Therefore, '516 claim 9 was obvious in view of J-CON + P.O. WRITER

# '683 Claim 3

3. An electronic sourcing system comprising:
  - [a] at least two product catalogs containing data relating to items associated with the respective sources;

**To the extent that Lawson has at least two product catalogs, so do P.O. WRITER and J-CON**

**P.O.  
WRITER**  
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(DX-117)



You can now buy this item from Best Buy, Bayless, or any other vendor you would like to select.

# '683 Claim 3

[b] means for selecting the product catalogs to search;

**Court's construction of this means:**

**Function: to select the organized collections to search**

**Structure: search programs and modules operating on a computer system with access to data in a database or other file system, and their equivalents**  
See e.g., '683 Patent at 4:1-6:38; 7:61-12:37; FIGS. 1-2; APP. II-V and VII (describing local computer 20, search program 50, TV/2, and search program 250)

**We saw in '516 claim 1 that P.O. WRITER has a program that allows selecting catalogs to search**

**J-CON had a program that allows selecting catalogs to search**

# '683 Claim 3, continued

[c] means for searching for matching items among the selected product catalogs;

**Court's construction of this means:**

**Function: searching for search results among the selected product catalogs**

**Structure: search programs and modules operating on a computer system with access to data in a database or other file system, and their equivalents.**

See e.g., '172 Patent at 4:6-6:28; 7:66-8:19; 9:55-12:41; FIGS. 1-2; Appendices III-V and VIII (describing local computer 20, search program 50, TV/2 and search program 250)

**We saw in '516 claim 1 that both J-CON and P.O. WRITER have search programs and modules that allow searching**

# '683 Claim 3, continued

[d] means for building a requisition using data relating to selected matching items and their associated source(s);

**Court's construction of this means:**

**Function: building a requisition using data relating to selected matching items and their associated source(s).**

**Structure: requisition module operating on a computer system having access to data in the database, and its equivalents.**

**See e.g., '683 Patent at 1:25-35; 3:3-19; 6:40-65; 7:36-8:14; 15:46-49; FIGS. 1-3 (describing various embodiments of requisition modules including requisition/purchasing system 40, requisition management ("REQI") module 44A and requisition maintenance program 44C)**

**We saw in '516 claim 21 that both J-CON and P.O. WRITER have requisition modules having access to data in a database**

## '683 Claim 3, continued

[e] means for processing the requisition to generate one or more purchase orders for the selected matching items; and

**Court's construction of this means:**

**Function: processing the requisition to generate one or more purchase orders for the selected matching items**

**Structure: purchase order generation module operating on a computer system having access to the requisition; and its equivalents.**

**We saw in '516 claim 21 that both J-CON and P.O. WRITER have purchase order generation modules having access to a requisition**

## **'683 Claim 3, continued**

[f] means for converting data related to a selected matching item and an associated source to data relating to an item and a different source.

**In J-CON, InterChange is this means element.**

**Therefore, '683 claim 3 was obvious in view of J-CON + P.O. WRITER**

# '172 Claim 1

1. An electronic sourcing system comprising:

[a] a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately;

**We saw in '516 claim 1 that both J-CON and P.O. WRITER have such a database**

# '172 Claim 1

[b] means for entering product information that at least partially describes at least one desired item;

**Court's construction:**

**Function: entering product information that at least partially describes at least one desired item**

**Structure: user interface operating on a computer through which a user may provide input; and one or more software modules that provide product information describing an item or a combination thereof, and their equivalents.**

See e. g. , '172 Patent at 4:6-6:28; 7:66-8:19; 9:55-12:28; 18:23-50; FIGS. 1-2 (describing local computer 20, graphical interface 254, search program 50, interface 60, TV/2 and search program 250)

**Both J-CON and P.O. WRITER have this means**

# 172 Claim 1

[b] means for entering product information that at least partially describes at least one desired item;

**P.O. WRITER had a user interface for entering a partial description:**

- Press Shift-F4

The FILE DISPLAY screen appears.

The ITEM MASTER FILE can be displayed in ITEM NUMBER sequence, DESCRIPTION sequence, or in COMMODITY CODE sequence.

Move the cursor to the Item Description sort and display all items whose description begins with the letter C, as shown below.

- To move the cursor to the ITEM - BY DESC. SORT field in the STARTING WITH column, press TAB 3 times
- Type C [ENTER] L0126549 (DX-117)

# 172 Claim 1

[b] means for entering product information that at least partially describes at least one desired item;

**J-CON had a user interface (display screen) for entering a partial description:**

## 4 Enter Line Items

Line items are the parts that you enter on the ticket in POS. When you enter line items you either enter the following information about the merchandise or accept the defaults:

- quantity
- manufacturer code
- part number
- list price
- unit price
- cost

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# '172 Claim 1, continued

[c] means for searching for matching items that match the entered product information in the selected portions of the database;

**This was construed to have the same structure as in '683 3[c], which is present in both J-CON and P.O. WRITER**

# '172 Claim 1, continued

[d] means for generating an order list that includes at least one matching item selected by said means for searching;

**Court's construction:**

**Function: generating a list of desired catalog items that includes at least one search result selected by said means for searching**

**Structure: user interface operating on a computer through which a user may select from results from a search program or a search program that generates a list of desired catalog items, and their equivalents**

See e.g., '172 Patent at 4:6-6:28; 7:66-8:13; 9:55-12:28; 18:23-50; Appendix VI, FIGS. 1-2 (describing local computer 20, graphical interface 254, search program 50, interface 60, TV/2 and search program 250)

**This means is disclosed in both J-CON and P.O. WRITER**

# **'172 Claim 1, continued**

[d] means for generating an order list that includes at least one matching item selected by said means for searching;

**After items are found in J-CON, an order list is generated**

# '172 Claim 1, continued

[d] means for generating an order list that includes at least one matching item selected by said means for searching;

**In response to a search, P.O. Writer returns a list from which items can be selected.**

**Search results are selected by assigning them non-zero quantities and a list of desired catalog items is generated.**

**This is an order list.**

# '172 Claim 1, continued

[e] means for building a requisition that uses data obtained from said database relating to selected matching items on said order list

**This was construed to have the same structure as in '683 3[d], which is present in both J-CON and P.O. WRITER**

[f] means for processing said requisition to generate purchase orders for said selected matching items.

**This was construed to have the same structure as in '683 3[e], which is present in both J-CON and P.O. WRITER**

**Therefore, '172 claim 1 was obvious in view of J-CON + P.O. WRITER**

**END**